

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

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|----------------|---|-----------------------------|
| BOBBY TROXELL, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 3:17-CV-756-JD-MGG |
| |) | |
| WARDEN, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER

Bobby Troxell, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in BTC 15-10-148 where a Disciplinary Hearing Officer (DHO) at the Branchville Training Center found him guilty of Violation of Law (No Contact Order) in violation of A-100 on October 20, 2015. ECF 1 at 1. As a result, Troxell was sanctioned with the loss of 90 days earned credit time. *Id.*

After Troxell filed his petition, the finding of guilt and sanctions were vacated. ECF 7-2. The Warden has filed a motion to dismiss because this case is now moot. ECF 7. Troxell did not file a response and the time for doing so has passed. *See* N.D. Ind. L. Cr. R. 47-2. Regardless, the court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Troxell has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that

lengthened the duration of his confinement).

For these reasons, the motion (ECF 7) is GRANTED and the case is DISMISSED.

The clerk is DIRECTED to close this case.

SO ORDERED on March 21, 2018.

_____/s/ JON E. DEGUILIO_____
JUDGE
UNITED STATES DISTRICT COURT